

**DOCKET NO.: 133087.09001 (101026-1P US)**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Ljunggren and Svensson**

Serial No.: **10/550,760**

Group Art Unit: **1614**

Filed: **September 27, 2005**

Examiner: **Timothy P. Thomas**

Confirmation No.: **3784**

Title: **Use Of ATII Antagonist For The Treatment Or Prevention Of Metabolic Syndrome**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE TO THE RESTRICTION REQUIREMENT**

The present Response is filed in regard to the Restriction Requirement dated July 30, 2007 in regard to the above-identified patent application. The period for reply has been extended to and through September 30, 2007 by petition and payment of the appropriate fee which accompanies the present response.

The Examiner has restricted claims 11-20 into two species: I -- administration of an angiotensin II type 1 receptor antagonist alone; and II -- administration of an angiotensin II type 1 receptor antagonist in combination with a metabolically neutral antihypertensive substance. Applicants elect species I, administration of an angiotensin II type 1 receptor antagonist alone, with traverse.

Even if the Examiner still considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates two criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. For purposes of initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, the Examiner

has not met the *prima facie* burden. Indeed, the Examiner has not shown separate status in the art or a requirement for a different field of search. Further, the Examiner has not established a separate classification, thus, strongly indicating a lack of serious burden. Accordingly, *all pending claims* should be examined in the present application without restriction.

The Examiner also requests Applicants to elect a single disclosed angiotensin II type 1 receptor antagonist specie. Applicants elect candesartan cilexetil (i.e., the compound of the general formula I wherein A is the I:5 moiety).

Claims 11-13 and 17-20 read on the elected species.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121.

The Commissioner is hereby authorized to charge any deficiencies of fees and credit any overpayments to Deposit Account No. 50-0436.

Respectfully submitted,

/Paul K. Legaard, Reg.#38534/  
Paul K. Legaard

**Date: 12 September 2007**

Pepper Hamilton LLP  
400 Berwyn Park  
899 Cassatt Road  
Berwyn, PA 19312-1183

Telephone: 610.640.7859  
Facsimile: 267.430.7647